



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,095	09/28/2001	Mark E. Nagel	705581US1	6696

24938 7590 07/11/2005

DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION  
CIMS 483-02-19  
800 CHRYSLER DR EAST  
AUBURN HILLS, MI 48326-2757

EXAMINER

LANEAU, RONALD

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/967,095

Applicant(s)

NAGEL ET AL.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 4,6-8,12,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,6-8,12,18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

TV

Art Unit: 3627

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/31/05 has been entered.

***Status of Claims***

2. Claims 1-3, 5, 9-11 and 15-17 have been canceled and claims 4, 6-8, 12, 14, 18 and 19 are now pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6-8, 12-14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes et al (US 5,970,475) in view of Yang (US 2002/0120550 A1).

As per claims 4, 12-14, 18 and 19, Barnes discloses a method of procuring goods and services through a computer based market center system having a website accessible by a plurality of entities via the Internet (see abstract, lines 1-5), including the steps of: arranging with a plurality of suppliers, each having an Internet website, to participate in offering goods and services to the entities via the website of the market center system (col. 3, lines 48-55);

Art Unit: 3627

negotiating with at least a subset of said suppliers prices for their respective goods and services at which said entities can purchase the respective goods and services (col. 4, lines 12-18); allowing said entities to place orders with any of the at least a subset of suppliers for respective goods and services via purchaser websites and the market center website (col. 8, lines 49-55); and allowing said entities an option of obtaining via purchaser websites and the market center website a price quotation from any of the at least a subset of suppliers (col. 8, lines 36-38). Barnes does not disclose collecting information and determining the quotes but Barnes discloses collecting information on said purchases made by said entities via said computer based market center system and on quotes received directly from said suppliers by said entities and analyzing said information at said computer based market center system (page 2, [0022], claim 5, fig. 2); and determining if any quotes were goods or services having a previously negotiated price and if so, whether said quotes for that good or service were at prices more favorable than said previously negotiated prices (page 3, [0032]-[0039]).

It would have been obvious to one of ordinary skill in the art to utilize the information collection and the quote and price negotiation as taught by Yang into the system of Barnes because it would provide enough information that causes the enterprise to make correct decisions at critical moment of the transaction process.

As per claim 6, Barnes et al teach a method the steps providing links on said computer based system to computer based systems of said suppliers having information about said suppliers' goods and services and allowing said entities to access said suppliers' computer based systems via said links on said computer based system to view said information about said suppliers goods and services (col. 7, lines 60-62).

As per claims 7 and 8, neither Barnes nor Yang discloses a method wherein a plurality of entities having a common relationship comprise a franchise and individuals that are members of a club but the examiner takes the Official notice that since the authorized user is part of an organization making purchase for said organization through electronic commerce it is imperative that the authorized user is a member of said organization which may in turn be a franchise as claimed.

As per claim 12, Barnes discloses a method wherein information concerning purchases made by and quotes obtained by said entities via said computer based system are stored in a database (col. 8, lines 36-38).

As per claims 13 and 14, Barnes discloses a method including the steps of a host organization (Bank) paying said suppliers for purchases made from said suppliers via said computer based system by said entities and said host organization (Bank) billing said entities for said purchases, further including the step of said host organization operating said computer based system (col. 3, lines 39-43).

### ***Response to Arguments***

5. Applicant's arguments filed on 03/31/05 have been fully considered but they are not persuasive.

Applicant argues that Barnes reveals no disclosure of collecting information on the purchase made by participating via the computer based marketing center system and on quotes received from suppliers and analyzing the collected information to determine in any of the quotes were at prices more favorable than a previously negotiated price, nor a disclosure of a computer

Art Unit: 3627

based market center being operative to analyze transactions to determine if any involve purchases at prices more advantageous than supplier prices for the goods or services stored in the system's database. These limitations are met by the newly found reference in Yang (US 2002/0120550 A1). Applicant's arguments are deemed unpersuasive and claims 4, 6-8, 12-14, 18 and 19 remain rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ronald Laneau*

Ronald Laneau  
Examiner  
Art Unit 3627

6/29/05

rl